

Court of Common Pleas of Philadelphia County
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

JUNE 2022**002767**

E-Filing Number: 2206060009

PLAINTIFF'S NAME AIXA MARIE. SANTIAGO-TORRES		DEFENDANT'S NAME THE KELLOGG COMPANY, ALIAS: KELLOGG'S	
PLAINTIFF'S ADDRESS 454 WEST KING STREET APARTMENT 2 LANCASTER PA 17603		DEFENDANT'S ADDRESS ONE KELLOGG SQUARE P.O. BOX 3599 BATTLE CREEK MI 49016	
PLAINTIFF'S NAME		DEFENDANT'S NAME JOHN DOE, ALIAS: UNIDENTIFIED OPERATOR WHO LOADED ITEMS	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1234 XXXX XXXX PA 00000	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 20 - PERSONAL INJURY - OTHER			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PRO PROTHY JUN 30 2022 A. STAMATO	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>AIXA MARIE SANTIAGO-TORRES</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY JAY L. SOLNICK		ADDRESS SOLNICK LAWYERS 2851 LIMEKILN PIKE GLENSIDE PA 19038	
PHONE NUMBER (215) 481-9979	FAX NUMBER (215) 481-9980		
SUPREME COURT IDENTIFICATION NO. 74109		E-MAIL ADDRESS jsolnick@solnicklawyers.com	
SIGNATURE OF FILING ATTORNEY OR PARTY JAY SOLNICK		DATE SUBMITTED Thursday, June 30, 2022, 07:52 am	

FINAL COPY (Approved by the Prothonotary Clerk)

EXHIBIT A

SOLNICK & ASSOCIATES, LLC
BY: JAY L. SOLNICK, ESQUIRE
ATTORNEY I.D. NO. 74109
2851 LIMEKILN PIKE
GLENSIDE, PA 19038
215-481-9979
jsolnick@solnicklawyers.com

ATTORNEY FOR PLAINTIFF

Filed and Attested by the
Office of Judicial Records
30 JUN 2022 07:52 am

**AN ASSESSMENT OF DAMAGES
HEARING IS REQUIRED.**

AIXA MARIE SANTIAGO-TORRES
454 West King Street, Apt 2
Lancaster, PA 17603

Plaintiff

v.

THE KELLOGG COMPANY d/b/a
KELLOGG'S
One Kellogg Square
P.O. Box 3599
Battle Creek, MI 49016-3599
and
JOHN DOE, UNIDENTIFIED PERSON OR
BUSINESS ENTITY/OWNER/OPERATOR OF
COMPANY THAT LOADED ITEMS THAT
INJURED PLAINTIFF AS DESCRIBED
HEREIN

Defendants

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
:
:
: TERM, 2022
:
: NO. _____
:
:
:
:
:
:

COMPLAINT - CIVIL ACTION
20 Other Personal Injury

"NOTICE"

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
Lawyer Referral and Information Service
1101 Market Street, Floor 11
Philadelphia, PA 19107
Phone: (215) 238-6333

"AVISO"

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion hace falta asentar una comparencia escrita en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra a de su persona. Sea avisado que si usted no se defiende la corte tomara medidas y puede continuar las demanda en contra suya sin previo aviso o notificacion. Ademas la corte puedo decidir a favor del demandante y requiere que usted cumpla as las provisiones de esta demanda. Usted puedo dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFIA
Servicio De Refencia E Informacion Legal
1101 Market Street, Floor 11
Filadelfia, Pennsylvania 19107
Telefono: (215) 238-6333

SOLNICK & ASSOCIATES, LLC
 BY: JAY L. SOLNICK, ESQUIRE
 ATTORNEY I.D. NO. 74109
 2851 LIMEKILN PIKE
 GLENSIDE, PA 19038
 215-481-9979
 jsolnick@solnicklawyers.com

ATTORNEY FOR PLAINTIFF

MOTOR VEHICLE CASE.

AN ASSESSMENT OF DAMAGES
 HEARING IS REQUIRED.

AIXA MARIE SANTIAGO-TORRES
 454 West King Street, Apt 2
 Lancaster, PA 17603

Plaintiff

v.

THE KELLOGG COMPANY d/b/a
 KELLOGG'S
 One Kellogg Square
 P.O. Box 3599
 Battle Creek, MI 49016-3599

and

JOHN DOE, UNIDENTIFIED PERSON OR
 BUSINESS ENTITY/OWNER/OPERATOR OF
 COMPANY THAT LOADED ITEMS THAT
 INJURED PLAINTIFF AS DESCRIBED
 HEREIN

Defendants

: COURT OF COMMON PLEAS
 : PHILADELPHIA COUNTY
 :
 :
 : _____ TERM, 2022
 :
 : NO. _____

COMPLAINT - CIVIL ACTION
20 Other Personal Injury

1. Plaintiff, Aixa Marie Santiago-Torres, is an adult individual who resides at the address indicated in the above caption.

2. Defendant, The Kellogg Company d/b/a Kellogg's ("Kellogg's"), is, upon information and belief, business entity which is authorized to do business in Pennsylvania, and which regularly conducts business and is amenable to service of process in Philadelphia County.

3. Defendant, John Doe, Unidentified Person(s) Or Business Entity/Owner/Operator of Company that loaded the items that injured Plaintiff, as described herein, is an individual or business entity that loaded the truck involved in the itmes that injured Plaintiff ("John Doe"). As to John Doe:

- a) John Doe is an individual or business with an actual name currently unknown to Plaintiff after having conducted a reasonable search with due diligence;
- b) John Doe is a fictitious name;
- c) A reasonable search to determine the actual name of John Doe has been conducted.

4. Any acts or omissions alleged herein to have been committed or omitted by Defendants were committed or omitted by and through Defendants' agents, servants, workmen, and/or employees acting within the course and scope of their employment.

5. On August 18, 2020, Plaintiff, Aixa Marie Santiago-Torres, was an employee of Ryder Systems, Inc., working at 2001 Yellow Goose Road, Lancaster, Pennsylvania.

6. On the aforesaid date and time, Plaintiff was about to begin unloading a tractor-trailer when, suddenly and without warning, of pallets of product began falling out of the trailer when Plaintiff opened the door, striking Plaintiff's left arm and her body.

7. As a direct and proximate result of the foregoing incident and Defendants' negligence, carelessness and/or recklessness, Plaintiff, Aixa Marie Santiago-Torres, sustained painful and severe injuries which include, but are not limited to, left shoulder, arm and elbow sprain/strain, left shoulder rotator cuff syndrome, left shoulder and elbow contusion, and a left shoulder superior labrum anterior and posterior (SLAP) tear.

8. As a direct and proximate result of the foregoing incident and Defendants' negligence, carelessness and/or recklessness, Plaintiff, Aixa Marie Santiago-Torres, has suffered great physical pain and mental suffering, inconvenience in carrying out her daily activities, a loss of life's pleasures and enjoyment, scarring and disfigurement, a loss of earnings and earning capacity, and she may suffer pain and inconvenience into the future.

9. As a direct and proximate result of the foregoing incident and Defendants' negligence, carelessness and/or recklessness, Plaintiff, Aixa Marie Santiago-Torres, has been compelled to undergo otherwise unnecessary medical treatment and to incur miscellaneous medical expenses in an effort to restore herself to health and she may be forced to incur additional medical expenses in the future.

10. As a direct and proximate result of the foregoing incident and Defendants' negligence, carelessness and/or recklessness, Plaintiff, Aixa Marie Santiago-Torres, continues to suffer pain and limitation and, therefore, avers that her injuries may be of a permanent nature, causing residual problems into the future.

COUNT I – NEGLIGENCE
PLAINTIFF v. DEFENDANT, KELLOGG'S

11. Plaintiff hereby incorporates paragraphs 1 through 10 above as if fully set forth at length herein.

12. The foregoing incident and all of the injuries and damages set forth herein sustained by Plaintiff were the direct and proximate result of the negligence and carelessness of Defendant, Kellogg's, as follows:

- a. Causing the dangerous and/or hazardous condition to exist;
- b. Failing to prevent the dangerous and/or hazardous condition from existing;
- c. Failing to properly and/or adequately manage, train and/or supervise its agents, servants, workmen and/or employees;
- d. Failing to institute and/or enforce adequate procedures and policies to prevent the dangerous and defective condition from existing;
- e. Failing to ensure that all employees were aware of appropriate safety precautions;
- f. Failing to properly secure and inspect skids/pallets of product;
- g. Failing to properly load the trailer;

- h. Failing to properly secure the pallets and product on the trailer;
- i. Failing to warn; and
- j. Being otherwise negligent under the circumstances.

13. As a direct and proximate result of the foregoing incident and Defendant's negligence and carelessness, Plaintiff, Aixa Marie Santiago-Torres, sustained the injuries and damages set for in paragraphs 7 through 10, *supra*.

WHEREFORE, Plaintiff, Aixa Marie Santiago-Torres, demands judgment against Defendant, The Kellogg Company d/b/a Kellogg's, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs, and any other relief which this Honorable Court may deem just and fair.

COUNT II – NEGLIGENCE
PLAINTIFF v. DEFENDANT, JOHN DOE

14. Plaintiff hereby incorporates paragraphs 1 through 13 above as if fully set forth at length herein.

15. The foregoing incident and all of the injuries and damages set forth herein sustained by Plaintiff were the direct and proximate result of the negligence and carelessness of Defendant, John Doe, through his/its respective agents, servants, workmen, employees and/or agents, included, *inter alia*, the following:

- a. Causing the dangerous and/or hazardous condition to exist;
- b. Failing to prevent the dangerous and/or hazardous condition from existing;
- c. Failing to properly and/or adequately manage, train and/or supervise its agents, servants, workmen and/or employees;
- d. Failing to institute and/or enforce adequate procedures and policies to prevent the dangerous and defective condition from existing;
- e. Failing to ensure that all employees were aware of appropriate safety precautions;

- f. Failing to properly secure and inspect skids/pallets of product;
- g. Failing to properly load the trailer;
- h. Failing to properly secure the pallets and product on the trailer;
- i. Failing to warn; and
- j. Being otherwise negligent under the circumstances.

17. As a direct and proximate result of the foregoing incident and Defendant's negligence and carelessness, Plaintiff, Aixa Marie Santiago-Torres, sustained the injuries and damages set for in paragraphs 7 through 10, *supra*.

WHEREFORE, Plaintiff, Aixa Marie Santiago-Torres, demands judgment against Defendant, John Doe, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs, and any other relief which this Honorable Court may deem just and fair.

SOLNICK & ASSOCIATES, LLC

BY: /s/ Jay L. Solnick
JAY L. SOLNICK, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I, Aixa Marie Santiago-Torres, hereby verify that I am the Plaintiff in the foregoing matter and that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand the statements therein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.


AIXA MARIE SANTIAGO-TORRES

citrix | RightSignature

SIGNATURE CERTIFICATE



REFERENCE NUMBER
D5B4210B-9BCB-4183-9DCF-2BBFFEB1F3DC

TRANSACTION DETAILS

Reference Number
D5B4210B-9BCB-4183-9DCF-2BBFFEB1F3DC

Transaction Type
Signature Request

Sent At
05/20/2022 10:09 EDT

Executed At
05/20/2022 15:45 EDT

Identity Method
email

Distribution Method
email

Signed Checksum
973a5237319e3048f507e6bf7375b4e318ca7c8e1f68e6b6133de732d2284fdd

Signer Sequencing
Disabled

Document Passcode
Disabled

DOCUMENT DETAILS

Document Name
Verification Unsigned

Filename
verification_unsigned.pdf

Pages
1 page

Content Type
application/pdf

File Size
73.1 KB

Original Checksum
cc2cb2a3dba13a706bfac2cd0fb6992f6eb82e7578cbd512f1369b79ebae7b5a

SIGNERS

SIGNER

Name
Aixa Marie Santiago-Torres

Email
aixalvschin10@gmail.com

Components
1

E-SIGNATURE

Status
signed

Multi-factor Digital Fingerprint Checksum
f348033c2389d2d48e6ddc5c66f0bf5e83c6addb041fb5cbb777ff8b1624e365

IP Address
174.59.36.200

Device
Mobile Safari via iOS

Drawn Signature

Signature Reference ID
F9B842CF

Signature Biometric Count
198

EVENTS

Viewed At
05/20/2022 15:43 EDT

Identity Authenticated At
05/20/2022 15:45 EDT

Signed At
05/20/2022 15:45 EDT

AUDITS

TIMESTAMP

05/20/2022 10:09 EDT

05/20/2022 10:09 EDT

05/20/2022 15:43 EDT

05/20/2022 15:45 EDT

05/20/2022 15:45 EDT

AUDIT

Stephanie Decker (sdecker@solnicklawyers.com) created document 'verification_unsigned.pdf' on Chrome via Windows from 67.43.12.144.

Aixa Marie Santiago-Torres (aixalvschin10@gmail.com) was emailed a link to sign.

Aixa Marie Santiago-Torres (aixalvschin10@gmail.com) viewed the document on Mobile Safari via iOS from 174.59.36.200.

Aixa Marie Santiago-Torres (aixalvschin10@gmail.com) authenticated via email on Mobile Safari via iOS from 174.59.36.200.

Aixa Marie Santiago-Torres (aixalvschin10@gmail.com) signed the document on Mobile Safari via iOS from 174.59.36.200.

Case ID: 220602767